



The Salisbury Planning Board held its regular meeting Tuesday, April 8, 2008, at the Salisbury Rowan Utility Department at One Water Street at 4 p.m. with the following being present and absent:

**PRESENT:** Karen Alexander, Dr. Mark Beymer, Maggie Blackwell, Robert Cockerl, Richard Huffman, Craig Neuhardt, Jeff Smith, Valerie Stewart, Albert Stout, and Diane Young.

**ABSENT:** Tommy Hairston

**STAFF:** Preston Mitchell, Diana Moghrabi and David Phillips

This meeting was digitally recorded for Access 16.

Dr. Mark Beymer, Chair, called the meeting to order, welcomed Maggie Blackwell to the Planning Board and offered an invocation. The minutes of the March 25, 2008, meeting were approved as submitted. The Planning Board adopted the agenda as submitted.

## **NEW BUSINESS**

### **A. Group Development**

**G-06-94** McDonalds  
1957 Jake Alexander Boulevard West  
TM-331 P-135

David Phillips made a staff presentation.

Mr. Jessie Lester, of Stimmel Associates, submitted the application for a revision to the previously approved site plan to allow closing (it has already been closed.) an existing interconnectivity access drive to the adjacent commercial property. The Technical Review Committee noted the following comments to the applicant:

1. In September 1985, the property located at 1953 Jake Alexander Boulevard W. received a driveway permit from NCDOT. A recommendation of this permit from the City of Salisbury was to make the developer aware of future work on Jake Alexander Boulevard (formerly Salisbury Boulevard). This notice would reserve the right for NCDOT to extend an existing concrete median which would restrict left turns in and out of the development. The developer was advised to pursue access across other



properties. Based on a discussion with the property owner of the McDonalds site, such access was agreed upon.

2. The Salisbury 2020 plan Policy C-10 states the City shall encourage the consolidation of commercial driveways onto major streets and the connection of adjacent parking lots. A second, equally important way to reduce turning movements onto major streets is to encourage adjoining businesses to connect their parking lots. This allows the motorists/shopper to visit more than one business on the same side of the street without turning back onto the highway for short distances.
3. A representative of NCDOT stated they did not have jurisdiction over this matter. However, his opinion was that the connecting drive should remain open. To close the connecting drive would cause traffic concerns for the public.
4. The Public Services representative commented that closing the drive would hamper easy access to the dumpsters for service and the ability to safely back up a vehicle.
5. The Planning Division recommends denial of the driveway closure as it would eliminate connectivity to the adjacent property. The previously approved group development site plan shows the driveway open. The public interest is served by site development characteristics that offer multiple options for ingress/egress and enhance accessibility to the site.
6. Planning principals related to connectivity, while limited to “recommendation” status under the former zoning ordinance are valid to the extent that connectivity is currently required, under certain conditions, as part of the Land Development Ordinance. This driveway closure would possibly limit future re-development and potentially required connectivity of the adjacent property owner.
7. The City of Salisbury Fire Marshall stated that having the connectivity does provide more options for fire fighting. Closing the connectivity would limit their ability to access the site.

The Technical Review Committee voted unanimously to recommend denial of this submittal to the Planning Board.

Dr. Beymer offered an explanation of a Courtesy Hearing.

*Those speaking in opposition*

**Jay Dees**, Attorney at 121 East Kerr Street, represented the owners of the property—Hotel Group of Salisbury. (McDonald’s leases the property.) The owner never consented to this improvement and does not want it. The improvement serves to sever adjoining property. Connectivity for this corner presents troubling issues for access to these properties. “We will now have police and fire issues, dumpster issues, customer issues—it serves no purpose. It is disingenuous to be asking forgiveness at this stage.”

**Victor Wallace**, Hotel Group of Salisbury, 408 Camelot Drive, described the McDonald’s lease property and the property adjoining. He stated that David Phillips wrote McDonald’s a letter, before they put the concrete in, asking them not to do it—they chose not to come before the Planning Board beforehand.





*Those speaking in favor*

**Ray Nadimi**, Construction Manager for McDonald's USA, 4601 Six Forks Road, Raleigh, NC, oversaw this construction project. He said he did not receive the correspondence Jay Dees mentioned. He stated that they heard from the City after it was installed.

It is McDonald's position that these driveways along the rear and along the side are private driveways and do not fall (respectfully) under the jurisdiction of the Planning Board. NCDOT has also stated that they do not have jurisdiction over this curb cut. This is a private matter between two private landowners; they do not feel they need City approval.

Mr. Nadimi pointed out access to the other buildings stating that interconnectivity has already been provided. They asked that they be allowed to work this out privately.

**W. H. Austin**, McDonald's franchisee of this location, explained his position. They lost parking as McDonald's caught the overflow from the shopping center in their parking lot. McDonald's never got the true benefit of the rear parking. (They lost some other parking spaces due to various projects.)

Dumpster service over the last 10 years tore potholes in the McDonald's parking surface, which Mr. Austin has to pay. No one else patched the potholes, and he pays taxes on the property.

Mr. Austin also sees this as a traffic calming solution which discourages cut-through traffic.

*Board Discussion*

**Diane Young** stated that she heard a lot of different issues in this case, but the only pertinent issue is whether the closing of the driveway opening—a 2007 approval by the Planning Board—is appropriate. Planning Board has a right to look at connectivity issues when they review site plans. She gives a lot of weight to the comments from various departments of the City and the TRC. She is in favor of denial.

**Robert Cockerl** said the Planning Board has had a goal to improve connectivity. He agreed with Diane Young and would oppose approving the change.

**Albert Stout** pays close attention to what emergency services have to say. When they have a problem getting to a site because of change, then he has a problem with it.

**Craig Neuhardt** agreed with the discussion on connectivity and had a problem with the folks at McDonald's making the decision on who has jurisdiction over the situation. They did not comply with the 2007 site plan. He is in favor of denial.



**Diane Young** made a MOTION to recommend denial to the City Council of the site plan change of G-06-94. Robert Cockerl seconded the motion with all members voting AYE. (10-0)

This case will go before the City Council Tuesday, April 15 with a negative recommendation.

**B. Special Use Permit**

- (a) Swear in persons testifying at public hearing
- (b) Public Hearing
  - (i) Receive testimony from staff
  - (ii) Receive testimony from public
- (c) Declare 'Findings of Fact'
- (d) Recommendation

**SUP-01-08** J&L Sports Bar  
206 S. Main Street  
TM-010-01 P-567

Dick Huffman recused himself because he represents the company.

David Phillips and Jai Withers were sworn in.

This submittal is a request for a Special Use Permit to allow the operation of a sports bar to be located at 206 S. Main Street as per Section 2.7(c). Additional standards as per Section 3.3.D states that no such facility shall be located within 500 feet of any lot containing a school. Based on staff's findings, there are no schools within 500 feet of the proposed site.

The evaluation and approval of the Special Use Permit shall be governed by quasi-judicial proceedings, which are based upon the sworn testimony and evidence presented at the hearing relevant to the following standards:

- a. The use meets all required principles and specifications of the Ordinance and all adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
- b. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
- c. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.

If the application is approved, the Special Use permit that is established and all conditions which may have been attached to the approval are binding on the property.





It is staff's opinion that the proposed use of the property as a sports bar meets the requirements and the intent of the Land Development Ordinance. The use will not substantially injure the property values of the adjoining properties or cause concern to the public health, safety and welfare. Staff recommends approval.

More steps are necessary for the applicant to go through such as ABC Board approval and county permits.

No one spoke in opposition.

*Those speaking in favor*

Jai Withers, 305 Cornwall Dr, the owner and CEO of J&L Sports Bar, said he was trying to bring something new to the community for entertainment.

*Board discussion*

Albert Stout observed that there are other compatible businesses in the immediate area. Karen Alexander has concerns about the church school behind the property. It is a day care and not a school so it does not create a problem. The definition of a school is an elementary and secondary school on the state curriculum.

Jeff Smith made a MOTION stating the following FINDING OF FACTS FOR SUP-01-08:

- a. The use meets all required principles and specifications of the Ordinance and all adopted land use plans and is in harmony with the general purpose and intent and preserves their spirit; and
- b. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.

He made a recommendation of approval of SUP-01-08. Albert Stout seconded the motion with all members voting AYE. (9-0)

Dick Huffman returned to the Planning Board.

### **C. District Map Amendments**

**LDOZ-2-02-2008**     City of Salisbury  
DMX Expansion  
37 parcels

Diane Young recused herself since she was involved with several of the properties. Preston Mitchell made a staff report. He walked the Planning Board through the properties in a PowerPoint presentation.



This is a corrective rezoning by the City as part of the adoption of the new Land Development Ordinance.

Approximately 18 acres—An area of LI zoning district between North Main Street and Lee Street reaching as far north of Lafayette Street and area of LI zoning district between Lee Street and the RR tracks reaching as far south as Liberty Street.

The Light Industrial District is coded to permit the development and operation of light and/or flex space uses that are typically too large in scale to fit within a neighborhood environment and should be buffered from surrounding neighborhood uses. Light industrial districts may not be used for retail uses except for those uses clearly subordinate to any on-site principal use such as a sales showroom for a warehouse. In the interest of economic development, this district is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

### **Proposed Zoning**

*DMX District*—The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.

The map “conversion” process automatically converted most of the M1 and M2 lands to Light Industrial and Heavy Industrial. Since the new industrial districts are specifically preserved for industrial uses, these older downtown industrial areas are no longer viable for future large to mid-scale industrial growth—except where an industrial use continues to operate or small to mid-scale warehousing and distribution is accommodated. This rezoning encourages the redevelopment and adaptive reuse of those older vacant or underutilized warehouse/distribution/manufacturing buildings for office, retail, flex space, and in some cases loft housing.

Staff recommendation is to approve the petition. It is consistent with the Vision 2020 Comprehensive Plan and the intended change of the new industrial districts. The DMX permits many of the LI uses—not vice versa. This rezoning can bring economic growth, rehabilitation, opportunities for new construction and it advances the downtown master plan which views this as a future arts district that would not be allowed under the light industrial classification.

No one spoke in opposition.

### *Those speaking in favor*

Chris Bradshaw, 530 N. Long Street, owns buildings at 316 and 322 Depot Street—a good example of why this rezoning needs to happen. Dance studios and art studios are not allowed in the current zoning and they exist. This needs to be cleaned up.





Craig Neuhardt asked for clarification of uses in the DMX and Preston Mitchell reviewed the use table with the Planning Board. (Page 2-25)

Dick Huffman acknowledged the redevelopment of the Rail Walk and invited members of the Planning Board to visit the area.

Valarie Stewart made a MOTION to recommend approval of the rezoning as submitted. The Planning Board finds and determines that rezoning petition LDOZ-2-02-2008 is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan, and hereby recommends approval. Dick Huffman seconded the motion with all members voting AYE. (9-0)

This will go before City Council May 6, 2008.

Diane Young returned to the table.

#### **D. LDO Text Amendment**

##### **LDOA-02-08**

Request to:

1. Amend Section 2.4 (Specific Base Districts)
2. Amend Section 2.7 (Use Matrix)
3. Amend Section 3.3 (Additional Standards By Use)
4. Amend Section 4.7 (Street Design/Layout)
5. Amend Section 5.3 ([Building Standards] Exceptions)
6. Amend Section 5.6 (General Provisions for All Buildings)
7. Amend Sections 5.12, 5.13 (Mixed Use & Commercial)
8. Amend Section 5.16, 5.17 (Dimensional Standards)
9. Amend Section 6.5 (Accessory Buildings/Structures)
10. Amend Section 7.5 (Open Space Allocation)
11. Amend Section 8.7 (Street Yards)
12. Amend Section 8.8 (Street Trees)
13. Amend Section 8.11 (Alternate Methods of Comply)
14. Amend Section 10.4 (Off-Street Parking)
15. Amend Section 12.6, 12.9 (Signage)

Preston Mitchell gave a staff report for this, the second round of text amendments to the newly adopted Land Development Ordinance. These amendments to various chapters and sections of the newly adopted Land Development Ordinance were reviewed page by page. A copy of the staff report is attached at the end of these minutes. The changes were accepted as submitted except for the following.

The annual outdoor amusements at Price stimulated a discussion about the IC district, where outdoor amusements are no longer permitted. They have been doing this event for 50 years and this year the zoning administrator met with an issue concerning their permit.



The temporary event language in Chapter 6 is very similar to what is being proposed in Chapter 3, so simply say “would be permitted as a primary use in the institutional campus” –you would just have to get a permit for it. (A primary use but not necessarily a permanent use.) Jeff Smith asked to make it a PS on the use table. Discussion followed.

The Outdoor Entertainment discussion will continue at the April 22 Planning Board meeting.

4-7 (Street Design/Layout) “Street Trees” had conflicting information to that in the Landscape Ordinance. The proposed change works better now with the language in Chapter 8. This does not change the intent or the requirement; it changes how it reads.

Chapter 5 (Building Types and Standards) Page 5-1–clean up language. The reason for striking most of the numbers and adding the italicized *f* is because many of the dimensional provisions are in Chapter 2. (Same with LI and HI.)

#### 6.5 Accessory Buildings or Structures

7.3 (Recreation Open Space) includes information (NMX & CMX) in the table for residential development.

Chapter 8 (Street Trees) remove unnecessary language and clean up. Alternate methods of compliance are only available in landscaping and go with the approval authority.

A MOTION was made and seconded to go past 6 o’clock. Valarie Stewart left the meeting.

The discussion on the sign ordinance will continue. The sign code is too confusing as it is (12.6). Karen Alexander stated that she would like the sign ordinance chart to be complete so it is clear what you can or cannot have in all districts.

Jeff Smith made a MOTION for Planning Board to approve all sections of LDOTA-2-2008 with the exception of the 2.7 Use Matrix as it corresponds to Outdoor Amusements which is specifically Page 2-24. Also, number three which is the amendment to Section 3.3 which has to do with outdoor amusements and amendment Section 12.6 which has to do with the sign table. All other items are recommended to be approved. Add the item brought up by David Phillips on NMX 2,000-square-foot footprint to the next discussion.

The Planning Board finds and determines that the rezoning petition for LDOTA-02-2008 is consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan and hereby recommends approval. Diane Young seconded the motion with all members voting AYE. (9-0)

Staff will present these undecided items again at the April 22 Planning Board meeting.





## **OTHER BOARD BUSINESS**

The next Planning Board meeting will be April 22, 2008.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:15 p.m.

---

Dr. Mark Beymer, Chair

---

Diane Young, Vice Chair

---

Secretary, Diana Moghrabi





**Planning Board**  
**April 8, 2008**  
**LDO Text Amendment #2**

**CASE NO.**

**Petitioner**

**Current Owner**

**Size / Scope**

**Location**

**LDOTA-02-2008**

City of Salisbury

N/A

citywide

citywide

---

**PETITIONER REQUEST**

**Request to:**

- 1. Amend Section 2.4 (Specific Base Districts)**
- 2. Amend Section 2.7 (Use Matrix)**
- 3. Amend Section 3.3 (Addt'l Stds By Use)**
- 4. Amend Section 4.7 (Street Design/Layout)**
- 5. Amend Section 5.3 ([Bldg. Stds.] Exceptions)**
- 6. Amend Section 5.6 (Gen. Prov's for All Bldgs.)**
- 7. Amend Sections 5.12, 5.13 (MU & Commercial)**
- 8. Amend Section 5.16, 5.17 (Dimensional Stds.)**
- 9. Amend Section 6.5 (Accessory Bldgs/Strucs)**
- 10. Amend Section 7.5 (Open Space Allocation)**
- 11. Amend Section 8.7 (Street Yards)**
- 12. Amend Section 8.8 (Street Trees)**
- 13. Amend Section 8.11 (Alt. Methods of Comply)**
- 14. Amend Section 10.4 (Off-Street Parking)**
- 15. Amend Section 12.6, 12.9 (Signage)**

---

**TEXT AMENDMENT**

These are the second round of immediate text corrections or clarifications to the newly-adopted Land Development Ordinance. As mentioned several times during LDO consideration, the new ordinance is a working, organic document and not cast in stone. Staff recognizes that several – possibly multiple – text amendments will come before the Planning Board and City Council in the early months following adoption. Most of these early text amendments will address clarification, correction, or interpretation issues. In some cases, early text amendments related to overall purpose and intent may come before the board and City Council for consideration.

## 4. Lot, and Building, and Accessory Structure Dimensional Requirements:

	I.I All Structures	III All Structures
Exterior District/Development Setback ( <i>Minimum</i> )	100 ft	150 ft
Undisturbed District/Development Buffer ( <i>Minimum</i> )	30 ft	30 ft
Internal Setbacks ( <i>Minimum</i> )	0 ft or 4 ft	0 ft or 4 ft



## E. IC: Institutional Campus

1. **Create Internal Public Spaces:** Buildings within the campus should be aligned in a manner that creates formal space such as squares and quadrangles. This gives prominence to important structures and allows for better internal gathering and pedestrian circulation.
2. **Parking Areas:** Parking areas shall not encroach into the Campus setback. Parking areas should be conveniently located yet not create great pedestrian distances between buildings on the campus.



# CHAPTER 2: DISTRICTS

P	Permitted	SUP	Special Use Permit required and subject to Additional Standards in Chapter 3
PS	Permitted subject to Additional Standards in Chapter 3	—	Not Permitted
PND	Permitted as new development only	CD	SUP is not required when proposed and adopted as part of a Conditional District

BASE DISTRICT	Assigned Districts										Planned Development			
	T1	T2	T3	T4	T5			T6	LI	HI	HS	IC	MHD	TND
Office/Service (cont)	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB				
Outdoor Kennels	—	P	—	—	—	—	—	P	—	P	—	—	—	—
Post Office	—	—	—	—	—	P	P	P	P	P	—	P	—	P
Professional Services	—	—	—	PND	—	P	P	P	P	P	P	P	—	P
Residential Treatment Facility	—	SUP CD	—	—	—	SUP CD	SUP CD	P	—	P	—	—	—	SUP CD
Studio – Art, dance, martial arts, music	—	—	—	—	—	P	P	P	P	P	—	P	—	P
Vehicle Services –Minor	—	—	—	—	—	—	P	P	P	P	—	—	—	—
Maintenance/Repair	—	—	—	—	—	—	P	P	P	P	—	—	—	—
Vehicle Services – Major Repair/Body Work	—	—	—	—	—	—	—	SUP CD	—	PS	P	—	—	—
Retail/Restaurant														
Alcoholic Beverage Sales Store	—	—	—	—	—	—	SUP CD	P	P	P	—	SUP CD	—	P
Auto Parts Sales	—	—	—	—	—	—	P	P	P	P	—	—	—	—
Bar/Tavern/Night Club	—	—	—	—	—	—	SUP CD	SUP CD	SUP CD	SUP CD	—	—	—	P
Drive-Thru Retail/Restaurants	—	—	—	—	—	—	—	P	P	P	—	—	—	P
Gas Station	—	—	—	—	—	—	PS	PS	PS	PS	—	—	—	PS
General Retail – 3,500 sf or less	—	—	—	—	—	SUP CD	PS	P	P	P	—	P	—	P
General Retail – 3,501 sf – 10,000 sf	—	—	—	—	—	SUP CD	SUP CD	P	P	P	—	P	—	P
General Retail – 10,001 sf – 50,000 sf	—	—	—	—	—	—	—	P	P	P	—	SUP CD	—	P
General Retail – Greater than 50,000 sf	—	—	—	—	—	—	—	SUP CD	SUP CD	SUP CD	—	—	—	SUP CD
Restaurant	—	—	—	—	—	SUP CD	—	P	P	P	—	P	—	P
Vehicle or Heavy Equipment Sales	—	—	—	—	—	—	—	P	P	P	—	—	—	PS
Entertainment/Recreation														
Adult Establishment	—	—	—	—	—	—	—	—	—	PS	—	—	—	—
Amusements, Indoor	—	—	—	—	—	—	—	P	P	P	—	—	—	—
Amusements, Outdoor	—	—	—	—	—	—	—	P	P	P	—	PS	—	—
Cultural or Community Facility	—	P	—	—	—	P	P	P	P	P	P	P	P	P
Meeting Facilities	—	P	—	—	—	P	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	—	P	—	—	—	P	P	P	P	P	P	P	—	—
Recreation Facilities, Outdoor	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Theater, Movie	—	—	—	—	—	—	—	P	P	P	—	—	—	—
Theater, Live Performance	—	—	—	—	—	—	P	P	P	P	—	P	—	P



	BASE DISTRICT						T4						T5				T6				Assigned Districts				Planned Development			
	T1	T2	T3	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IC	MHD	TND												
Manufacturing/Wholesale/Storage																												
Agriculture	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—												
Laundry, dry cleaning plant	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	—												
Manufacturing, Light	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—												
Manufacturing, Neighborhood	—	—	—	—	—	PS	P	—	P	P	P	P	—	P	—	P												
Manufacturing, Heavy	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—												
Media production	—	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—												
Metal products fabrication, machine or welding shop	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—												
Mini-Warehouses	—	—	—	—	—	—	—	P	—	P	P	P	—	—	—	—												
Research and development	—	—	—	—	—	—	—	SUP CD	SUP CD	P	P	P	P	P	—	P												
Storage - Outdoor storage yard as a primary use	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—												
Storage - Warehouse, indoor storage	—	—	—	—	—	—	—	PS	PS	P	P	P	—	—	—	—												
Wholesaling and distribution	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—												
Civic/Institutional																												
Campground	PS	PS	—	—	—	—	PS	—	—	—	—	—	—	—	—	—												
Cemetery	P	PS	—	—	—	—	SUP	P	P	P	P	P	P	P	P	P												
Colleges/Universities	—	—	—	—	—	SUP CD	SUP CD	CD	CD	—	—	—	—	P	—	—												
Hospital	—	—	—	—	—	SUP CD	SUP CD	CD	CD	—	—	—	P	P	—	—												
Public Safety Station	—	SUP CD	SUP CD	SUP CD	SUP CD	PS	PS	P	P	P	P	P	P	P	P	P												
Religious Institutions	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P												
Schools – Elementary & Secondary	—	P	P	P	P	P	P	P	P	—	—	—	—	P	—	P												
Schools – Vocational/Technical	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P												
Transportation / Infrastructure																												
Airport-Air Transportation																												
Parking Lot (primary use)	—	SUP CD	—	—	—	—	—	—	—	—	P	P	—	—	—	—												
Parking Structure (primary use)	—	—	—	—	—	P	SUP CD	P	P	P	SUP CD	SUP CD	P	—	—	—												
Road/Rail Transit Station – Passenger	—	—	—	—	—	—	CD	CD	CD	CD	CD	CD	CD	SUP CD	—	SUP CD												
Road/Rail Freight/Courier/Trucking	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P												
Utilities-Class 1	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—												
Utilities-Class 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P												
Utilities-Class 3	SUP CD	SUP CD	SUP CD	SUP CD	SUP CD	SUP CD	P	P	P	P	P	P	P	P	P	SUP CD												
Wireless Telecomm Facility-Stealth	—	—	—	—	—	—	—	SUP CD	—	SUP CD	P	P	—	—	—	—												
Wireless Telecomm Facility-Tower	—	—	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS												



b. **Revocation of Zoning Permits:** The Board of Adjustment may revoke the Zoning Permit, after notice and hearing upon one or more of the following grounds:

- Failure to comply with the aforementioned standards.
- Employment of any person under the age of 21 years of age.
- Operating an establishment disruptive of peace and good order as evidence by lack of sufficient on-premises security and specifically by a conviction of a criminal offense, a material element of which occurred on the premises of the adult establishment.
- Admittance of patrons younger than 21 years of age.
- Excessive criminal activity on or near the premises if the board of adjustment finds that the operation of the adult establishment is related to such criminal activity or attracts transients or other persons who have been involved or are likely to be involved in such criminal activity.

**B. Alcohol Beverage Sales Store – *For NMX & HS only***

1. Such uses shall not be located within a minimum of 500 feet of lots in use with schools, churches, hospital, and day care centers.

**C. Amusements, Outdoor – *For IC only***

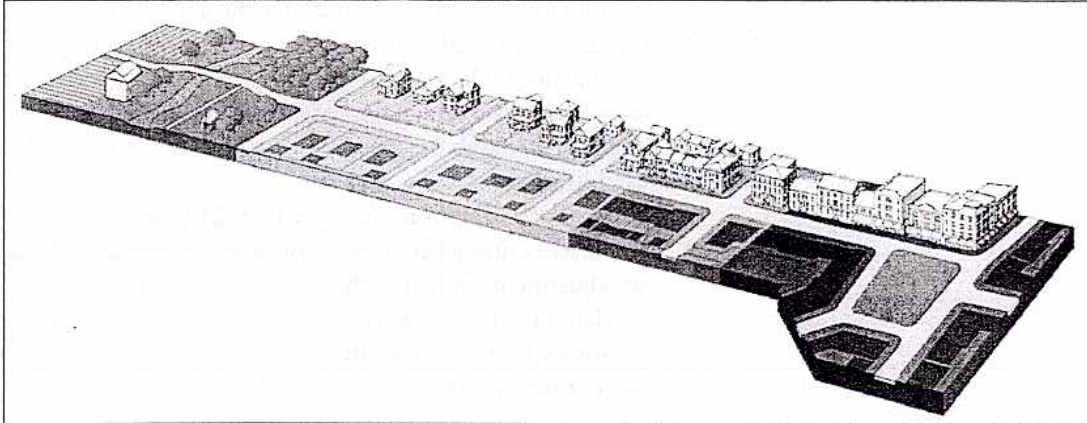
1. A permit shall be obtained from the Administrator. The Administrator is authorized to require additional information in order to ensure adequate review of the permit request.
2. The outdoor amusement activities are permitted for a period not to exceed ten (10) consecutive calendar days or for a period not to exceed 21 consecutive calendar days with City Council approval.
3. All perimeter, safety, and spot lighting shall be downward-directed and internally-oriented to the temporary outdoor amusement use.
4. Signage shall conform to Section 12.9.C (Signs for Special Events) of this Ordinance.

**D. Animal Services – *For RR & UR only***

1. No outdoor kennel shall be located within five hundred (500) feet of any adjacent residence.
2. All open exercise, boarding, training or similar areas shall be designed to effectively buffer noise audible to surrounding properties and enclosed by a fence or wall no less than six (6) feet in height and screened from any residence or off-site view from a public street by a Type A planting yard with a minimum width of 10 feet.

#### 4.7 Street Design & Layout Provisions

New streets within the City of Salisbury zoning jurisdiction shall be constructed in accordance with the following provisions. Additional detail of each provision follows the matrix.



	OSP	RR	GR MHD	UR HR RMX TND	NMX CMX	DMX TND	HB LI HI HS IC
<b>Curb Type</b>	n/a	Optional	Rolled, Valley, or Vertical	Vertical	Vertical	Vertical	Vertical
<b>Drainage Type</b>	Swale	Swale or Closed	Closed	Closed	Closed	Closed	Closed
<b>Curb Radius</b>	30'	30' no curb 20' w/curb	20'	20': unmark 10': marked	20': unmark 10': marked	10'	30'
<b>On-Street Parking</b>	n/a	n/a	Unmarked	Unmarked or Marked	Unmarked or Marked	Marked	Unmarked or Marked
<b>Sidewalk</b>	Optional Path	Optional Path	Sidewalk min. 5'	Sidewalk min. 5'	Sidewalk min. 5'	Sidewalk min. 8'	Sidewalk min. 5'
<b>Street Trees</b>	n/a	n/a	Planting Strip	Planting Strip or Tree Well (all UR only)	Planting Strip or Tree Well (none req'd)	Tree Well (none req'd)	See Sec. 8.8
<b>Street Lighting</b>	n/a	n/a	Vehicular or Pedestrian Scale	Pedestrian Scale	Pedestrian Scale	Pedestrian Scale	Vehicular or Pedestrian Scale*
<b>Block Length</b>	n/a	n/a	1200' max. 800' avg.	800' max. 600' avg.	800' max. 600' avg.	600' max. 400' avg.	1200' max. 800' avg.
<b>Cul-de-sac or Close Length</b>	800' max.	600' max.	600' max.	300' max.	Prohibited	Prohibited	800' max.



### 5.1 Purpose and Intent

The standards in this Chapter are intended to attach the same or greater level of importance to building design as is placed on the use contained within. The established architectural vernacular of the City of Salisbury exhibits a wide-variety of common building types and this Ordinance has established regulations specific to these typologies. The rich architectural history and vocabulary of the City presents a wide variety of development options for using traditional forms while avoiding any perception of monotony. Buildings are expected to be added to the City of Salisbury as long-term additions to the architectural vibrancy of the community.

---

5.1 Purpose and Intent
5.2 Applicability
5.3 Exceptions
5.4 Introduction to Building Types
5.5 Permitted Building Types By District
5.6 General Provisions for All Building Types
5.7 General Provisions for Residential Types
5.8 Specific HOUSE Provisions
5.9 Specific TOWNHOUSE Provisions
5.10 Specific APARTMENT Provisions
5.11 General Provisions for MU & Comm. Types
5.12 Specific MIXED-USE Provisions
5.13 Specific COMMERCIAL Provisions
5.14 Specific INSTITUTIONAL Provisions
5.15 Specific PUBLIC LANDMARK Provisions
5.16 Dimensional Standards (Res Types)
5.17 Dimensional Standards (MU & Non-Res Types)

---

In addition, this chapter is guided by and intends to fulfill the following policy directives of the *Salisbury Vision 2020 Comprehensive Plan*:

- *Appropriately located, designed and scaled stores and services providing basic necessities to residents of the City's older neighborhoods shall be encouraged. Neighborhood serving businesses shall be designed at a residential scale and character.*
- *New development in or adjoining an older commercial area should be compatible with existing desirable development within its vicinity. Compatibility criteria shall include size, scale, massing, fenestration, rhythm, setback, materials, context, and landscaping.*
- *Noteworthy buildings, important outdoor spaces, objects of historic merit, important monuments, and significant works of art shall be placed in positions of visibility and prominence.*

### 5.2 Applicability

The following provisions apply throughout the jurisdiction of this Ordinance. While the General Provisions (Sec. 5.6) apply to all principle buildings, each building type shall also comply with its own general, dimensional, and design element provisions according to building type and zoning district.

### 5.3 Exceptions

- A. Innovative planning or design ideas for development in any district where the proposed building types and dimensional standards are different than those allowed by the base district requirements may be approved subject to the approval of a Conditional District.
- B. Buildings in LI and HI districts are exempt from the provisions of this chapter, except for the any applicable dimensional ~~bulk~~ standards and those requirements in Section 5.6.D, Encroachments.

## 5.6 General Provisions for All Building Types

Unless otherwise noted, all buildings shall comply with the following provisions:

### A. Building Placement and Orientation

1. **Fronting a Street or Public Space:** All buildings, except for buildings in the LI, HI and IC districts, shall front a street or recreational open space and shall include a principal building entrance and architectural front. With the provision of alley access, buildings may front recreational open space with public street access and shall be of sufficient design to allow for the provision of emergency services. In all other districts, and in the case of campus-style development as defined below, building orientation may vary from fronting upon the street or open space only when developed as a Conditional District.
2. **Building Entrances:** All buildings facing a public space shall have a primary entrance façade designed for the pedestrian and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
3. **Termination of Vistas:** Important street vistas identified in any adopted plan should terminate in a focal point, such as a building or other architectural or natural feature.
4. **Campus-Style Development** is typically characterized by the clustering of uses within inwardly-oriented buildings that address one another, a public common space, or parking area, and where there is generally greater open space and buffering from surrounding lesser intensive uses. This type of development typically includes:
  - a) A unified system of sidewalks, paths, streets, and drives;
  - b) A unified design of common themes represented in building design, material, signage, and lighting; and
  - c) A master utility plan.



*A building and its primary entrance façade shall be oriented toward the street. (5.6.A)*



*Important street vistas should terminate in a focal point. (5.6.A)*

### B. Construction Methods:

1. **Underground wiring:** To reduce the visual impact of overhead wiring, utility services shall be located underground.



## 5.12 Specific Provisions for MIXED-USE Building Type

### A. Street Façade Provisions

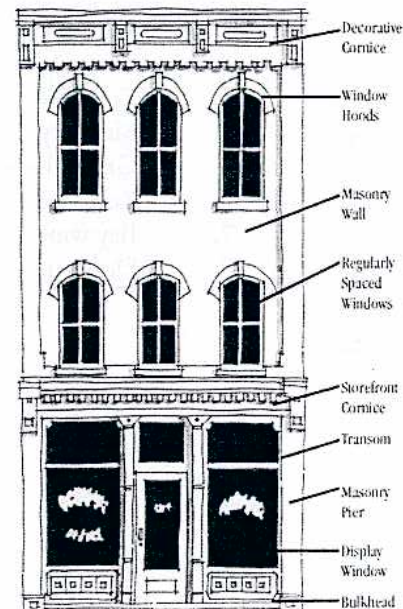
The following design details are required on elevations facing a public street on all mixed-use buildings:

1. Primary entrance doorway, except that corner buildings shall provide ~~only~~ one primary entrance along a street-facing façade.
2. Display windows along the ground floor.
3. Rhythmically-spaced windows and patterns on all upper floors.
4. Decorative cornice.

### B. Design Element Provisions for Mixed-Use Type

Detailed design shall be provided by using *at least three (3)* of the following architectural features on all other elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

1. Window hoods or canopies
2. Storefront (mid-wall) cornice
3. Transom
4. Masonry Piers (rhythmically-spaced)
5. Ground-level bulkhead
6. Recessed entries
7. Bay window or balcony



### 5.13 Specific Provisions for COMMERCIAL Building Type

#### A. Street Façade Provisions

The following design details are required on elevations facing a public street on all commercial buildings:

1. Primary entrance doorway, except that corner buildings shall provide ~~only~~ one primary entrance along a street-facing façade
2. Display windows along the ground floor

#### B. Design Element Provisions for Commercial Type

Detailed design shall be provided by using *at least two (2)* of the following architectural features on all other elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

1. Window hoods or canopies
2. Storefront (mid-wall) cornice
3. Transom
4. Masonry Piers (rhythmic and patterned)
5. Ground-level bulkhead
6. Recessed entries
7. Bay window or balcony
8. Decorative cornice



## 5.16 Dimensional Standards by Zoning District for Residential Building Types

(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX(c)	CMX	DMX	HB	LI	HI	HS	IC
<b>Lot Width: Minimum</b>														
House	100	100	55	30	30	30	30	30	(d)	-	-	-	30	30
Townhouse	-	-	40	-	20	20	20	20	-	-	-	-	20	20
Apartment	-	-	-	-	-	0	0	0	30	32	-	-	0	0
<b>Lot Depth: Minimum</b>														
House	100	100	100	100	100	100	100	100	(d)	-	-	-	100	100
Townhouse	-	-	0	-	0	0	0	0	-	-	-	-	0	0
Apartment	-	-	-	-	-	0	0	0	0	0	-	-	0	0
<b>Front Setback: Minimum (a)</b>														
House	30	40	10	10	10	10	10	10	(d)	-	-	-	10	<del>10</del> 10
Townhouse	-	-	0 or 10	-	0 or 10	0 or 10	0 or 10	0 or 10	-	-	-	-	0 or 10	<del>0 or 10</del> 0 or 10
Apartment	-	-	-	-	-	0 or 10	0 or 10	0 or 10	0	10	-	-	0 or 10	<del>0 or 10</del> 0 or 10
<b>Front Setback: Maximum</b>														
House	nm	nm	nm	nm	nm	nm	nm	nm	(d)	-	-	-	nm	<del>nm</del> 25
Townhouse	-	-	nm	-	nm	25	25	25	-	-	-	-	25	<del>25</del> 25
Apartment	-	-	-	-	-	nm	nm	nm	25	nm	-	-	nm	<del>nm</del> 25
<b>Front Yard Encroachment (b)</b>														
House	-	8	8	8	8	8	8	8	(d)	-	-	-	8	8
Townhouse	-	-	5	-	5	5	5	5	-	-	-	-	5	5
Apartment	-	-	-	-	-	8	8	8	8	-	-	-	8	8
<b>Side Setback: Minimum</b>														
House	10	10	20%*	20%*	20%*	20%*	20%*	20%*	(d)	-	-	-	20%*	<del>20%*</del> 20%*
Townhouse	-	-	10**	-	10**	10**	10**	10**	-	-	-	-	10**	<del>10**</del> 10**
Apartment	-	-	-	-	-	10**	10**	10**	0 or 6**	0 or 4	-	-	10**	<del>10**</del> 10**

(a) For corner lots, the building shall use the front setback for both streets

(b) Upper story balconies may encroach into sidewalk ROW with city approval

(c) Maximum building footprint for NMX shall be 2,000 sf

(d) Existing nonconforming HOUSE type in the DMX shall use the UR dimensional standards

\* Means 20% of the lot width

\*\* Means feet between buildings

^ Means measured from centerline of alley

\$ (e) Means 2 stories or 20 feet

[ ] 0 in development, otherwise  
+ Hospital to 150 with SUP  
(f) See Sec. 2.4.E



(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX(c)	CMX	DMX	HB	LI	HI	HS	IC
<b>Rear Setback: Minimum</b>														
House	20	30	25	25	25	25	25	25	(d)	-	-	-	25	25-0
Townhouse	-	-	0	-	-	0	0	0	-	-	-	-	0	0-0
Apartment	-	-	-	-	-	0	0	0	0	0 or 4	-	-	0	0-0
<b>Rear Setback from Alley: Minimum</b>														
House	-	-	15^	15^	15^	15^	15^	15^	(d)	-	-	-	15^	15-0
Townhouse	-	-	15^	-	15^	15^	15^	15^	-	-	-	-	15^	15-0
Apartment	-	-	-	-	-	15^	15^	15^	15^	0	-	-	15^	15-0
<b>Accessory Structure/Dwelling Unit Side/Rear Setback: Minimum</b>														
House	5	5	5 (10 over 200 sf)	5	5	5	5	5	(d)	-	-	-	5	5 0
Townhouse	-	-	5	-	-	5	5	5	-	-	-	-	5	5 0
Apartment	-	-	-	-	-	5	5	5	0	0 or 4	-	-	5	5 0
<b>Minimum Height</b>														
House	0	0	0	0	0	0	0	0	(d)	-	-	-	0	0
Townhouse	-	-	0	-	0	2-or-20\$ (e)	2-or-20\$ (e)	2-or-20\$ (e)	-	-	-	-	2-or-20\$ (e)	2-or-20\$ (e)
Apartment	-	-	-	-	-	2-or-20\$ (e)	2-or-20\$ (e)	2-or-20\$ (e)	2-or-20\$ (e)	0	-	-	2-or-20\$ (e)	2-or-20\$ (e)
<b>Maximum Height</b>														
House	50	50	50	35	35	35	35	35	(d)	-	-	-	35	35
Townhouse	-	-	3 story	-	3 story	3 story	3 story	3 story	-	-	-	-	3 story	3 story
Apartment	-	-	-	-	-	3 story	4 story	4 story	nm	3 story	-	-	5 story	5 story



# 5.17 Dimensional Standards by Zoning District for Commercial, Mixed-Use, Institutional, & Public Landmark Building Types

(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX(c)	CMX	DMX	HB	LI	HI	HS	IC
Lot Width: <i>Minimum</i>														
Mixed-Use	-	-	-	-	-	32	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	32	32	32	16	32	Ch-2	Ch-2	32	32
Instit/Pub Lmrk	100	100	100	50	50	50	50	50	50	32	Ch-2	Ch-2	50	50
Lot Depth: <i>Minimum</i>														
Mixed-Use	-	-	-	-	-	0	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0	Ch-2	Ch-2	0	0
Instit/Pub Lmrk	0	0	0	0	0	0	0	0	0	0	Ch-2	Ch-2	0	0
Front Setback: <i>Minimum (a)</i>														
Mixed-Use	-	-	-	-	-	0	0	0 or 10	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0 or 10	0	10	Ch-2	Ch-2	0	0 or 0
Instit/Pub Lmrk	30	40	10	10	10	10	0	0	0	10	Ch-2	Ch-2	0	0 or 0
Front Setback: <i>Maximum</i>														
Mixed-Use	-	-	-	-	-	nm	10	nm	10	-	-	-	-	-
Commercial	-	-	-	-	-	10	10	75	10	nm	Ch-2	Ch-2	nm	nm or 0
Instit/Pub Lmrk	nm	nm	nm	nm	nm	nm	nm	nm	25	nm	Ch-2	Ch-2	nm	nm or 0
Front Yard Encroachment (b)														
Mixed-Use	-	-	-	-	-	8	8	8	8	-	-	-	-	-
Commercial	-	-	-	-	-	8	8	8	8	-	Ch-2	Ch-2	-	-
Instit/Pub Lmrk	-	8	10	10	10	10	10	10	25	-	Ch-2	Ch-2	-	-
Side Setback: <i>Minimum</i>														
Mixed-Use	-	-	-	-	-	[0 or 12]	[0 or 5]	[0 or 5]	0 or 4	-	-	-	-	- or 0 or 4 or 0
Commercial	-	-	-	-	-	[0 or 5]	[0 or 5]	[0 or 5]	0 or 4	0 or 4	Ch-2	Ch-2	0 or 4	0 or 4 or 0
Instit/Pub Lmrk	10	10	15	10**	10**	10**	10**	10**	0 or 4	0 or 4	Ch-2	Ch-2	5	5 or 0

See footnotes above



(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX(c)	CMX	DMX	HB	LI	HI	HS	IC
<b>Rear Setback: Minimum</b>														
Mixed-Use	-	-	-	-	-	10	0	0	0 or 4	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0 or 4	0 or 4	Ch-2	Ch-2	0	0 or 0
Instit/Pub Lmrk	20	30	30	30	30	30	30	30	0 or 4	0 or 4	Ch-2	Ch-2	30	30 or 0
<b>Rear Setback from Alley: Minimum</b>														
Mixed-Use	-	-	-	-	-	5	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0	Ch-2	Ch-2	0	0 or 0
Instit/Pub Lmrk	-	-	-	-	-	-	-	-	0	0	Ch-2	Ch-2	0	0 or 0
<b>Accessory Structure/Dwelling Unit Side/Rear Setback: Minimum</b>														
Mixed-Use	-	-	-	-	-	0	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0 or 4	Ch-2	Ch-2	0	0 or 0
Instit/Pub Lmrk	5	5	5	5	5	5	5	5	0	0 or 4	Ch-2	Ch-2	5	5 or 0
<b>Minimum Height</b>														
Mixed-Use	-	-	-	-	-	2 story	2 story	2 story	2 story	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	2 story	0	Ch-2	Ch-2	0	0
Instit/Pub Lmrk	0	0	0	0	0	0	0	0	2 or 20\$ (4)	0	Ch-2	Ch-2	0	0
<b>Maximum Height</b>														
Mixed-Use	-	-	-	-	-	3 story	4 story	4 story	nm	-	-	-	-	-
Commercial	-	-	-	-	-	2 story	4 story	4 story	nm	3 story	Ch-2	Ch-2	5 story+	5 story+
Instit/Pub Lmrk	50	50	3 story	3 story	3 story	3 story	4 story	4 story	nm	3 story	Ch-2	Ch-2	5 story+	5 story+

See footnotes above



## 6.5 Accessory Buildings and Structures

A. **Applicability:** The construction of an accessory building or structure is not permitted unless a principal building is located on the lot. Accessory and principal buildings or structures may be constructed concurrently.

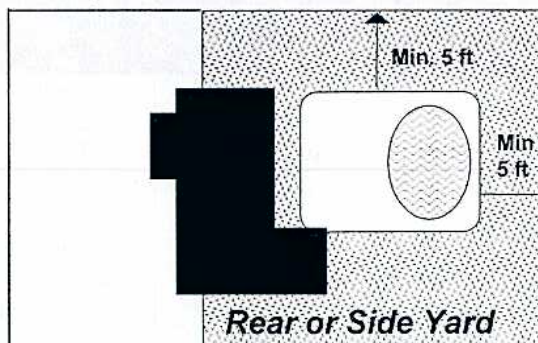
### B. General Building Requirements

1. **Location:** Accessory buildings or structures shall be located only in side (interior side for corner lots) or rear yards ~~for non-corner residential lots.~~
2. **Maximum Lot Coverage:** Accessory buildings or structures shall not cover more than 40 percent of the required side and rear yards.
3. **Building and Roof Materials:** Accessory buildings or structures greater than 144 square feet shall be constructed of any of the applicable building wall and roof materials that are required for the building type of the principal structure.
4. Accessory buildings may include but not be limited to the following type of structures:

- |                       |                                    |
|-----------------------|------------------------------------|
| ▪ Parking             | ▪ Artist Studio Space              |
| ▪ Gazebo              | ▪ Sauna                            |
| ▪ Pool House          | ▪ Workshop                         |
| ▪ Equipment Enclosure | ▪ Conservatory/Greenhouse          |
| ▪ Garage/Carport      | ▪ Barn, in the applicable district |

### C. Pools

1. All pools, whether above-ground or in-ground, shall be located in the side or rear yards. The definition of a pool shall include all buildings and walks or patio areas of cement, stone, or wood, at or above grade, built for and used in conjunction with the pool.



2. Pools, as defined above, shall be set back a minimum of five (5) feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.
3. Pools shall be enclosed by a privacy fence (with self-latching gate) at a minimum height of four (4) feet and a maximum of eight (8) feet.

## 7.5 Recreational Open Space Allocation

The amount of open space required for allocation shall be determined using the Recreational Open Space allocation matrix below when residential uses are proposed based on the following matrices: Zoning Type, Recreational Open Space Type, and Amenity Type

Zoning Type	Total Recreation Space Required
GR-3 (3 u/ac.)	3%
GR-6 (6 u/ac.)	6%
HR/UR-8 (8 u/ac.)	8%
UR-12 (12 u/ac.)	12%
RMX (18 u/ac.) NMX (no max) CMX (no max) TND (variable)	18%
OSP RR DMX	Exempt

Recreational Open Space Type	Notes
1. Playgrounds	Buildable lots within a development shall be within a ¼-mile radius of one of these open space types
2. Mini-Park	
3. Neighborhood Park	
4. Greenway or Linear Park (Access Point)	
5. Golf Course	This category may not exceed 75% of the total required open space
6. Unique or Special Area	This category may not exceed 50% of the total required open space

Amenity Type	Bonus %	Notes
Playground Equipment	100%	Shall meet the Parks & Recreation Product & Safety standards, and the bonus applies to the footprint of the "safety fall zone"
Multi-Purpose Playfield	50%	Shall be a minimum 200' x 200' and gently sloping for drainage (two percent desirable) with a five percent maximum
Public Ownership	25%	Shall meet the standards of Publicly-Owned Recreational Space, and the bonus applies to the entire property



1. In Type B Planting Yards, Ornamental Trees may be substituted for Shade Trees at the rate of two (2) Ornamental Trees for each required Shade Tree.
2. **Conflict with Utility Lines:** In the case of a conflict with utility lines, one (1) Ornamental Tree may be substituted for each required Shade Tree if approved by the Administrator or his designee and corresponding utility service(s).
3. **Landscape Credits:** Landscape credits for existing trees within Planting Yards will be given at the rate of 12 points per 4 inches in diameter at breast height (DBH) of existing plant material preserved.

## 8.7 Street Yards

A Street Yard consists of a planting area parallel to a public right-of-way but on private property, typically between the sidewalk and new development, designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

- A. **Applicability:** Street Yards shall be provided in all districts, except the OSP, RR, DMX, GR, UR, HR, TND, and MHD, where a front setback greater than 10 feet is provided.
- B. **Minimum Width:** Street Yards shall be a minimum of eight feet wide.
- C. **Required Trees:** Street Yards shall contain one Shade Tree per 35 linear feet (or fraction thereof) except in areas of conflict with existing overhead utility lines, where Ornamental Trees shall be planted at one per 25 linear feet (or fraction thereof).
- D. **Tree Spacing:** Trees shall be distributed along the street frontage, but they are not required to be at equal intervals. This will allow for flexibility in design while discouraging long intervals without trees.
- E. **Shrubbery:** ~~Shrubbery may be planted in clusters where trees are not practical; however, the tree requirements in 8.6.C shall be met.~~
- F. No more than 20% of the Street Yard may be used for walkways or signs.
- G. Parking, merchandise display and off-street loading are prohibited in the Street Yard.
- H. All trees in Street Yards shall be planted no closer than four (4) feet from any public right-of way.

## 8.8 Street Trees

Street Trees shall be planted in the street right-of-way as specified in the table below and Section 9.6 4.7, Street Design and Layout Provisions. Spacing of trees should allow for a clear view of buildings and land uses.

Transect Zone	T-1	T-2	T-3	T-4	T-5	T-6	Assigned Districts
Zoning Districts	OSP	RR	GR MHD	UR HR RMX	NMX CMX TND	DMX	HB, HS, IC LI, HI
Street Tree Requirement	n/a <u>No</u>	n/a <u>No</u>	Planting strip <u>Yes</u>	Planting strip <u>Yes, in</u> UR & HR only	Variable <u>Yes, in</u> TND only	Tree wells <u>No</u>	n/a <u>No</u>
<u>Street Tree Location (required or voluntary)</u>	<u>n/a</u>	<u>n/a</u>	<u>Planting strip</u>	<u>Dependent on Street Section</u>	<u>Dependent on Street Section</u>	<u>Tree well</u>	<u>n/a</u>

- A. **Applicability:** ~~Street trees shall be planted in the right-of-way between the street and the sidewalk, within central medians, plaza strips, or tree wells in the DMX, GR, UR, HR, TND, and MHD districts. This requirement shall apply to newly constructed and reconstructed streets.~~
- B. Planting strips shall have a minimum width of six (6) feet.
- C. ~~Planting strips shall not be required in alleys.~~
- D. Shade trees shall be installed at an average distance of 40 feet on-center. Where overhead utilities exist prior to development, ornamental trees shall be substituted at an average distance of 25 feet on-center.
- E. Street trees shall be placed at least eight (8) feet from light poles and ten feet from electrical transformers in order to allow these utilities to be safely serviced.
- F. Along state maintained streets, such plantings shall comply with NCDOT standards.



### 8.11 Alternate Methods of Compliance

Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.

#### A. Approval of Alternate Plan

The ~~TRC, as designated by the Administrator,~~ applicable approval authority may approve an alternate plan which proposes different plant materials or methods provided that the quality, effectiveness, durability, and performance are equivalent to that required by this Ordinance.

#### B. ~~Evaluation by Technical Review Committee~~

~~The performance of alternate landscaping plans shall be evaluated by the TRC to determine if the alternate plan meets the intent and purpose of this Ordinance. The determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.~~

#### C. Appeal

Decisions of the ~~TRC~~ applicable approval authority regarding alternate methods of compliance may be appealed to the Zoning Board of Appeals.

#### D. Non-Compliance

In the event of a taking of right-of-way that puts a property in non-compliance, the property shall come back into compliance as it was previous to the taking. If coming into compliance presents a hardship for the property owner, then the property owner may present an alternate method of compliance.

### 8.12 Plant Substitution

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Administrator or designee if:

- A. There is no reduction in the quantity of plant material.
- B. There is no significant change in size or location of plant materials.
- C. The new plants are of the same general category (i.e., Shade Tree, Ornamental Tree, Evergreen, or Shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

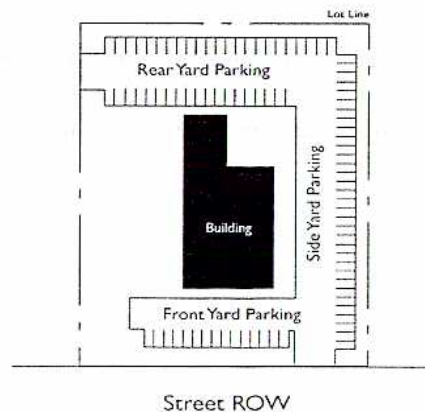
## 10.4 Off-Street Parking Area Design Provisions

Off-street parking areas should be designed to minimize breaks in the pedestrian network along public streets and create safe and comfortable passage for pedestrians. Off-street parking or storage shall be provided on every lot, an abutting lot of the same ownership, or directly across any street or alleyway of the same ownership. A Certificate of Occupancy shall not be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements, shown upon the plans or required by the zoning Ordinance, are in place and ready for use.

### A. Location of Off-Street Parking Area as Permitted by Building Type

		Public Landmark	Institutional	House-Street	House-Alley	Townhse-Street	Townhse-Alley	Apartment	Mixed-Use	Commercial	All Other Structures
T1	OSP	V	V	V	-	-	-	-	-	-	-
T2	RR	V	V	V	-	-	-	-	-	-	-
T3	GR	III	III	III	II	III	II	-	-	-	-
	HR	II	II	III	II	-	-	-	-	-	-
T4	UR	II	II	III	II	III	II	-	-	-	-
	RMX	II	II	III	II	III	II	II	II	II	-
T5	NMX	II	II	III	II	III	II	II	II	II	-
	CMX	II	II	III	II	III	II	II	II	IV	-
T6	DMX	I	I	-	-	-	-	I	I	I	-
	HB	V	V	-	-	-	-	V	-	V	V
	LI	-	V	-	-	-	-	-	-	V	V
	HI	-	V	-	-	-	-	-	-	V	V
	HS	II	II	III	II	III	II	II	-	II	-
	IC	H V	H V	III	II	III	II	II	-	II	-
	MHD	III	III	III	-	-	-	-	-	-	-
	TND	II	II	III	II	III	II	II	II	II	-

- I Rear Yard Only
- II Side and Rear Yards Only
- III Front Yard Limited to Prepared Surfaces Only
- IV Front Yard Limited to Two Rows Only (one drive aisle with two bays)
- V Unrestricted



*Off-street parking locations*



**B. Off-Street Parking Access Aisle and Parking Stall Dimensional Standards**

Angle of Parking (degree)	Access Aisle Width (feet)		Parking Stall <sup>(a,b)</sup> (feet)	
	2-Way (min.)	1-Way (min.)	Width (min.)	Length (min.)
90	24	20	9	18
60	18	18	9	18
45	Prohibited	15	9	18
30	Prohibited	12	9	18
0 (parallel)	20	10	8 <sup>(c)</sup>	22

(a) Dimensional standards not including dimensions for Accessible parking stalls

(b) Compact Parking stalls measuring 8'6" x 18' may be provided and shall not exceed 20% of the total required parking. All compact stalls shall be marked for compact vehicles only

(c) Dimension measured from the face of the curb and may include the gutter

**C. Off-Street Parking Area Surfaces by Building Type**

- Industrial Development:** Although Building Types are not applicable for IJ or HI districts, areas designated for parking, truck movement, and loading shall be on prepared surfaces only. Prepared surfaces include any non-slip and dust-free material.
- Multi-Family, Office, & Commercial Development Public Landmark, Institutional, Townhouse, Apartment, Mixed-Use, and Commercial:** Areas designated for required parking shall be on paved surfaces only. Paved surfaces include concrete, asphalt, brick, or other similar non-slip and dust-free material.
- Single-Family & Duplex Development House:** Parking areas for single family and duplex residences Areas designated for required parking shall be on prepared surfaces only. Prepared surfaces include concrete, asphalt, brick, gravel, or other similar materials, but shall not include landscaped areas or dirt.

**D. Driveway Entrance Width for Parking Lots:** The maximum width for a parking lot driveway throat shall be 24 feet in all districts except in the HB, LI, and HI districts, and except as required by the City of Salisbury or the North Carolina Department of Transportation (NCDOT). The maximum width for a parking lot driveway throat in the HB, LI, and HI districts shall be 36 feet.**E. Circulation and Maneuvering:**

- Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, utility, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.
- Except for single-family and duplex dwellings with separated parking areas and driveways, parking and maneuvering areas shall be arranged to allow vehicles to enter and leave the premises or parking area in a forward motion.

6. Bicycle racks shall be placed a minimum of four (4) feet from existing street furniture (i.e. mailboxes, lightpoles, benches) and be no closer than twelve (12) feet from the edge of fire hydrants.
7. Racks should be placed along a major building approach line and clearly visible from the approach and no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement should allow for visual monitoring by people within the building and/or people entering the building.
8. If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main entrance indicating the location of the parking.
9. Uses with several major, actively used entrances shall locate a portion of the required bicycle parking at each entrance.

### 10.6 Parking Lot Connections

Required parking lot connections shall apply to new development and major revisions of one (1) acre or more in size. Where a connection stub has been provided by an adjoining development, connection shall be made with that existing stub. Reserve strips are expressly prohibited per Sec. 4-2 6.2 of this Ordinance, and no other provision of this Ordinance shall prevent a required connection from being provided.

- A. Where a connection is required, a minimum of two (2) connection stubs shall be provided to adjoining property; however, if the subject site accesses two (2) or more streets, only one (1) interlot connection stub shall be provided to adjoining property.
- B. Where a connection is required and an alley abuts the subject site, a minimum of one (1) connection to the alley shall be provided and no other interlot connection stubs shall be required.
- C. Where a connection is required or provided, the connection shall be made in the rear if rear parking is provided.

#### D. Table of Required (R) & Optional (O) Parking Lot Connections

	RMX-Res	RMX-NonRes	NMX	CMX	DMX	HB	LI/Hi	HS/IC	TND
RMX-Res	R	R	R	O	R	O	O	O	O
RMX-NonRes	R	R	R	R	R	O	O	O	O
NMX	R	R	R	R	R	O	O	O	O
CMX	O	R	R	R	R	R	O	R	O
DMX	R	R	R	R	O	O	O	O	O
HB	O	O	O	R	O	R	O	O	O
LI/Hi	O	O	O	O	O	O	O	O	O
HS/IC	O	O	O	R	O	O	O	R	O
TND	O	O	O	O	O	O	O	O	R



## 2. Sign Table for RMX, NMX, CMX, DMX, HB, HS, LI, and HI Districts

Sign Type	Applicability		Maximum Area	Maximum Height	Maximum Number
Ground (f)	RMX, HS		32 sq ft	5 ft	1 (a)(i)
	NMX		40 sq ft	15 ft	1 (a)(i)
	CMX		50 sq ft	20 ft	1 (a)(i)
	DMX	Pole	16 sq ft	8 ft	1 (a)(i)
		Monument	40 sq ft	5 ft	1 (a)(i)
	HB(k)(f)		100 sq ft	25 ft	1 (a)(i)
	LI, HI		100 sq ft	30 ft	1 (a)(i)
Wall (f)	RMX, HS		1 sq ft (j)	-	1 (a)
	NMX		1.4 sq ft (j)	-	1 (a)
	CMX		1.6 sq ft (j)	-	1 (a)
	DMX		2 sq ft (j)	-	1 (a)(b)(c)(d)
	HB(k)(f)		1.8 sq ft (j)	-	1 (a)
	LI, HI		2 sq ft (j)	-	1 (a)
	Canopy or projecting (f)	NMX		30 sq ft	-
CMX		40 sq ft	-	1 (a)	
DMX		Canopy	0.5 sq ft/lineal ft of bldg wall; max 50 sq ft (g)	-	(a)(b)(e)(f)
		Projecting	12 sq ft	-	1 (a)
HB(k)(f)		50 sq ft	-	1 (a)	
LI, HI		75 sq ft	-	1 (a)	
Marquee		DMX	60 sq ft/side	-	1 (h)
Permanent Banner	DMX	30 sq ft	-	1 per 25 ft of frontage	
Industrial Park sign	LI, HI; for parks less than 300 acres		40 sq ft	8 ft	1 per entranceway
	LI, HI; for parks 300 acres or more		60 sq ft	20 sq ft	1 per entranceway
Industrial park interstate identification sign	LI, HI		125 sq ft	10 ft	1 per park

(a) See 12.6.D.1.b, Number of Signs Permitted

(b) One sign shall be permitted per side of building allowing such a sign.

(c) **Wall Signs:** One wall sign per ten (10) feet of street frontage. Where there is one (1) parcel in single ownership with twenty-five (25) or more feet of street frontage, the distance between wall signs shall be at least eight (8) feet.

(d) For buildings greater than three (3) stories in height, an additional twenty-five (25) square feet shall be allowed for each story above the third story, though maximum size sign shall be limited to one hundred fifty (150) square feet. This provision shall not apply to permanent banners.

(e) **Canopy signs parallel to the street or Permanent Banner signs:** One sign for each 25 feet of street frontage. Where there is one (1) parcel in single ownership with fifty (50) or more feet of street frontage, the distance between canopy or permanent banner signs shall be at least eight (8) feet and the distance between the sign and the property line shall be at least four (4) feet.

(f) **Canopy signs perpendicular to the street:** 1 canopy sign per side of the canopy.

(g) Applicable only to building walls at street(s) with entranceway(s) to business.

(h) One (1) existing marquee sign

(i) Additional signs may be permitted per Sections 12.6.D.3 and/or 4 below

(j) Per lineal foot of building wall per 12.6.D.1.c.

(k) Adult Establishment uses shall comply with CMX sign standards and the standards in Section 3.3

(l) ~~Ground and wall~~ These signs in the GEIO shall comply with the HB ground and wall sign provisions

**H. Political Signs:** Political signs may be allowed provided that all of the following conditions are met. Signs removed due to a violation of any of the provisions below will not be returned:

1. **Maximum Size:** Five (5) square feet
2. The sign be placed on private property only. No sign shall be placed on public property, on any right-of-way, or attached in any manner to a pole, tree, fence, rock, another sign, etc.
3. The sign be erected no more than four (4) weeks preceding the election.
4. The sign be removed no more than ten (10) days following the election.
5. Signs removed due to a violation of any of the above provisions will not be returned.

**I. Directional signs:** The Administrator may authorize an off-premise[s] directional sign for a facility when the following requirements are met:

1. The sign be located in a commercial or industrial district;
2. **Maximum Number:** One (1) sign per lot;
3. **Maximum Size:** Sign face limited to twenty (20) square feet;
4. **Maximum Height:** Five (5) feet;
5. The sign be reasonably necessary in determining the location of the facility.
6. Where visibility is reasonably difficult along a roadway that has a right-of-way of at least one hundred (100) feet and a pavement width of at least forty-eight (48) feet, the ~~board~~ Administrator may permit modifications in items 2. and 3. above as follows:
  - a. The size of the sign may be greater than twenty (20) square feet, but no more than eighty (80) square feet.
  - b. The height of the sign may be greater than five (5) feet, but no more than thirty (30) feet.

**J. Pylon Signs:** Pylon signs shall be allowed in Sign Overlay District "B" as shown on the official zoning map of the City of Salisbury. See Section 12.7, Sign Overlay Districts.

**K. Landscaping Around On-Premise Ground Signs:** All on-premise ground signs shall be landscaped with a minimum two-foot strip of landscaping from the base of all poles or foundations of ground signs.